

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION**

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SCOTT BUENROSTRO,	§	
	§	
Plaintiff,	§	
	§	
v.	§	<b>Civil Action No. 1:11-cv-206</b>
	§	
PORTFOLIO RECOVERY ASSOCIATES,	§	
LLC,	§	
	§	
Defendant.	§	

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**COMPLAINT AND DEMAND FOR JURY TRIAL**

SCOTT BUENROSTRO (Plaintiff), through the undersigned attorneys, KROHN & MOSS, LTD., alleges the following against PORTFOLIO RECOVERY ASSOCIATES, LLC. (Defendant):

**INTRODUCTION**

1. Plaintiff's Complaint is based on the Fair Debt Collection Practices Act, *15 U.S.C. 1692 et seq.* (FDCPA).
2. Defendant, in the ordinary course of business, on behalf of itself or others, engages in debt collection and does so through its agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives, and insurers.
3. In the course of attempting to collect on a consumer debt allegedly owed by Plaintiff, Defendant violated the provisions of the FDCPA as set forth herein.

**JURISDICTION AND VENUE**

4. Jurisdiction of this court arises pursuant to *15 U.S.C. 1692k(d)*, which states that such actions may be brought and heard before "any appropriate United States district court without regard to the amount in controversy."

5. Defendant conducts business in the state of Texas, and therefore, personal jurisdiction is established.
6. Venue is proper pursuant to *28 U.S.C. 1391(b)(1)*.

### **PARTIES**

7. Plaintiff is a natural person residing in Ingram, Kerr County, Texas.
8. Plaintiff is a consumer as that term is defined by *15 U.S.C. 1692a(3)*, and according to Defendant, Plaintiff allegedly owes a debt as that term is defined by *15 U.S.C. 1692a(5)*.
9. Defendant is debt collector as that term is defined by *15 U.S.C. 1692a(6)*, and sought to collect a consumer debt from Plaintiff.
10. Defendant is a limited liability company located in Norfolk, Virginia.

### **FACTUAL ALLEGATIONS**

11. Beginning in December of 2010, Defendant constantly and continuously placed collection calls to Plaintiff seeking and demanding payment for an alleged debt for a Capital One credit card.
12. Defendant called from telephone number 702-410-7069 to his home number, calling multiple times a day, Monday through Friday, through March of 2011.
13. Plaintiff has advised he did not have such a credit card and has requested Defendant send documentation. To date, Defendant has failed to send Plaintiff anything in writing.

### **COUNT I** **DEFENDANT VIOLATED THE FAIR DEBT COLLECTION PRACTICES ACT**

Defendant violated the FDCPA based on the following:

14. Defendant violated §1692d of the FDCPA by engaging in conduct that natural consequence of which is to harass, oppress and abuse Plaintiff; and

15. Defendant violated §1692d(5) of the FDCPA by causing Plaintiff's telephone to ring repeatedly and continuously with the intent to annoy, abuse, and harass Plaintiff.

WHEREFORE, Plaintiff, SCOTT BUENROSTRO, respectfully requests judgment be entered against Defendant, PORTFOLIO RECOVERY ASSOCIATES, LLC, for the following:

16. Statutory damages of \$1,000.00 pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. 1692k;

17. Costs and reasonable attorneys' fees pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. 1692k; and

18. Any other relief that this Honorable Court deems appropriate.

RESPECTFULLY SUBMITTED,

Dated: March 17, 2011

By: /s/Michael S. Agruss,  
Michael S. Agruss, Esq.  
Krohn & Moss, Ltd.  
10474 Santa Monica Blvd., Suite 401  
Los Angeles, CA 90025  
Tel: 323-988-2400 x235  
Fax: 866-583-3695  
magruss@consumerlawcenter.com  
Attorneys for Plaintiff

**DEMAND FOR JURY TRIAL**

PLEASE TAKE NOTICE that Plaintiff, SCOTT BUENROSTRO, demands a jury trial in this case.

**VERIFICATION OF COMPLAINT AND CERTIFICATION**

STATE OF TEXAS  
COUNTY OF KERR

Plaintiff, SCOTT BUENROSTRO, states the following:

1. I am the Plaintiff in this civil proceeding.
2. I have read the above-entitled civil Complaint prepared by my attorneys and I believe that all of the facts contained in it are true, to the best of my knowledge, information and belief formed after reasonable inquiry.
3. I believe that this civil Complaint is well grounded in fact and warranted by existing law or by a good faith argument for the extension, modification or reversal of existing law.
4. I believe that this civil Complaint is not interposed for any improper purpose, such as to harass any Defendant(s), cause unnecessary delay to any Defendant(s), or create a needless increase in the cost of litigation to any Defendant(s), named in the Complaint.
5. I have filed this Complaint in good faith and solely for the purposes set forth in it.

Pursuant to 28 U.S.C. § 1746(2), I, SCOTT BUENROSTRO, hereby declare (or certify, verify or state) under penalty of perjury that the foregoing is true and correct.

03-07-2011  
Date

  
SCOTT BUENROSTRO